

DAS Policy Concerning Replacement of Sunken, Destroyed, or Inoperable Vessels



The National Marine Fisheries Service (NOAA Fisheries) has established policy guidelines for allowing vessel owners, on a case-by-case basis, a one-time opportunity to replace a vessel that is unable to fish its full DAS allocation due to unforeseen circumstances with a replacement vessel that has fished DAS under the same DAS program(s) within the same fishing year of the requested replacement, and under the same ownership as the vessel being replaced. A vessel owner may only invoke this policy one time per unforeseen event. These guidelines are as follows:

1. The vessel being replaced must have sunk, been destroyed, or be otherwise inoperable and not repairable, due to unforeseen circumstances.
2. The vessel replacement must occur within 1 year of the unforeseen event that has caused the subject vessel to be not fishable. For purposes of implementing this policy, vessels that sank, were destroyed, or were determined inoperable and not repairable during the 2002 fishing year, beginning May 1, 2002, will have until December 31, 2004, to conduct a vessel replacement under the provisions of these policy guidelines.
3. If the vessel replacement is approved within the same fishing year as the unforeseen event, any remaining DAS associated with the sunken, destroyed, or inoperable and not repairable vessel must be used during the fishing year of the replacement.
4. If the vessel replacement takes place during the fishing year following the unforeseen event and the replacement vessel has fished under the same DAS program in that fishing year, the replacement vessel will only be authorized to fish those DAS that the sunken vessel was not able to fish as a result of the unforeseen event during the previous fishing year (i.e., the sunken vessel's unused or remaining DAS), under the following conditions:
 - The remaining DAS may be no greater than the number of calendar days remaining in the fishing year following the unforeseen event that resulted in the vessel being inoperable. For example, if a vessel has 60 DAS remaining and there are only 40

days remaining in the fishing year following the unforeseen event, then the replacement vessel would only be authorized to fish 40 of the 60 remaining DAS associated with the sunken, destroyed, or inoperable vessel in the following fishing year.

- The remaining DAS must be used within the same fishing year during which the replacement occurs.
- If the owner of the sunken, destroyed, or inoperable vessel subsequently transfers the permits and DAS allocation from its replacement vessel to another vessel, through a subsequent vessel replacement, in the same fishing year, the second replacement vessel will be allowed to fish the full DAS allocation associated with the sunken vessel's permit history, minus any DAS fished by the initial replacement vessel during the current fishing year. For example, the owner of a sunken, destroyed, or inoperable vessel replaces that vessel during the fishing year following the unforeseen event, bringing forward the 40 unused DAS to fish on the replacement vessel. If the owner subsequently transfers the DAS permit(s) for the sunken, destroyed, or inoperable vessel to another replacement vessel that has not fished under a DAS program under the same ownership, during the same fishing year as the initial replacement, the second replacement vessel would issued the vessel's full annual allocation of DAS (i.e., 70 DAS), minus any DAS fished by the first replacement vessel (i.e., 40 DAS). Thus, in this example, the second replacement vessel would be issued 30 DAS.

The above policy guidelines are consistent with vessel replacement provisions. Therefore, the replacement vessel is subject to the upgrade restrictions specified at § 648.4(a)(1)(i)(E). Furthermore, the replacement vessel is subject to the DAS carryover provisions specified at §§ 648.53(d), 648.82(a)(1), 648.92(a)(1), and 648.262(a)(1).

Under the proposed DAS policy guidelines, prior to the transfer of the limited access permits from the inoperable vessel, the limited access permits held by the replacement vessel would need to be placed on another vessel or in a confirmation of permit history (CPH). This policy allows vessel owners the ability to place the limited access permits on the replacement vessel into CPH.

This is a simplified summary of the measures in effect this summary has no legal standing.